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REMARKS

This is intended as a full and complete response to the non-final Office Action mailed on October 17, 2005. The Examiner noted that claims 1-3, 8-12, 14 and 16-32 were pending and rejected. By this response, Applicants have cancelled claims 1-15 and amended claims 16-27 so that claims 16-32 are currently pending.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Therefore, Applicants believe that this application is now in condition for allowance.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendment.

REJECTIONS

35 U.S.C. §102

Claims 1, 3, 5, 7-9, 11, 12, 14-20, and 24-32

The Examiner has rejected claims 1, 3, 5, 7-9, 11-12, 14-20, and 24-32 under 35 U.S.C. §102(e) as being anticipated by Fries (U.S. Patent 6,317,885, hereinafter "Fries"). The rejection is respectfully traversed.

Because claims 1-15 are cancelled, the Examiner's rejection of claims 1, 3, 5, 7-9, 11, 12, 14, and 15 is deemed moot.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added)). The Fries reference fails to teach each and every element of the claimed invention, as arranged in the claim.

In particular, Applicants' independent claim 16 recites (and independent claim 27 recites similar emphasized elements):

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16. A method for providing access to interactive features of electronic program guides (EPGs) from within broadcast advertisements, comprising:

receiving broadcast audio and video content along with a promotional metadata file associated with the broadcast audio and video content, the promotional metadata file including a plurality of data items, the data items including a promotion type, the promotion type including a purchasable event and an interactive advertisement;

presenting the interactive advertisement, the interactive advertisement including a selectable option for the user to store the interactive advertisement for future viewing on a digital video recorder (DVR);

receiving a user selection to store the interactive advertisement for future viewing of the interactive advertisement on the DVR; and

storing the interactive advertisement for future viewing of the interactive advertisement on the DVR.

Fries is generally directed to an interactive entertainment and information system using a television set-top box. (See Fries, abstract.) However, Fries fails to disclose the claimed user-selectable option for storing an interactive advertisement for future viewing on a DVR.

Applicants direct the Examiner's attention to Figure 6 and pages 16-17 of Applicants' specification for an illustration of the claimed user-selectable option for storing an interactive advertisement for future viewing on a DVR.

Therefore, Applicants respectfully submit that independent claims 16 and 27 are not anticipated by the teachings of the Fries reference and, as such, fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 17-26 and 28-32 depend directly from independent claims 16 and 27 and further define or recite additional limitations thereof. Accordingly, at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 2, 10 and 21

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The Examiner has rejected claims 2, 10 and 21 under 35 U.S.C. §103(a) as being unpatentable over Fries. Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Fries reference fails to teach or suggest Applicants' invention as a whole.

Because claims 1-15 are cancelled, the Examiner's rejection of claims 2 and 10 is deemed moot.

As discussed above in response to the Examiner's §102 rejection, the Fries reference fails to disclose the claimed user-selectable option for storing an interactive advertisement for future viewing on a DVR.

Therefore, Applicants respectfully submit that independent claims 16 and 27 are not rendered obvious by the teachings of the Fries reference and, as such, fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claim 21 depends, directly or indirectly, from independent claim 16 and further defines or recites additional limitations thereof. Accordingly, at least for the same reasons as discussed above, Applicants submit that this dependent claim is also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 4, 6 and 13

The Examiner has rejected claims 4, 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Fries in view of the TV Anytime as an application scenario for MPEG-7 article by Pfeiffer and Srinivasan (hereinafter "TV Anytime"). Because claims 1-15 are cancelled, the Examiner's rejection of claims 4, 6, and 13 is deemed moot.

Claims 22 and 23

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The Examiner has rejected claims 22 and 23 as being unpatentable over Fries in view of Lawler et al. (U.S. Patent No. 5,699,107, hereinafter "Lawler") in further view of Matthews (U.S. Patent No. 6,025,837, hereinafter "Matthews"). Applicants respectfully traverse the rejection.

Fries, Lawler, and Matthews all fail to disclose the claimed user-selectable option for storing an interactive advertisement for future viewing on a DVR. The Lawler and Matthews references alone or in combination fail to bridge the substantial gap between Fries and the claimed invention.

As such, Applicants submit that independent claims 16 and 27 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 22 and 23 depend, directly or indirectly, from independent claim 16 and further define or recite additional limitations thereof. Accordingly, at least for the same reasons as discussed above, Applicants submit that dependent claims 22 and 23 are also non-obvious and fully satisfies the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that all of the claims presently in the application, are patentable under the provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea Nicholson at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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